IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 31100 of 2006(B)

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PETITIONER:

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P.J.PHILOMINA, AGED 58 YEARS,
W/O. JOSEPH, (RTD. PEON),
CHALIYACHAN VEEDU, ST.JOHN PATTOM,
FORT KOCHI.

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

RESPONDENT:

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THE KERALA STATE CO-OPERATIVE
FEDERATION FOR FISHERIES DEVELOPMENT LTD.
(MATSYAFED), THIRUVANANTHAPURAM, REPRESENTED BY
ITS MANAGING DIRECTOR.

BY ADV. SMT.LALI VINCENT, SC FOR MATSYAFED

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.31100 OF 2006)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the order dtd.7.6.06 passed by the respondent.

Ext.P2: Copy of the letter dtd.24.6.06.

Ext.P3: Copy of the representation by the petitioner of Minister for Fisheries Development.

Ext.P4: Copy of the gratuity bill passed by the respondent in respect of M.N.Baby.

Ext.P5: Copy of the order dated 9.8.2001.

Ext.P6: Copy of the order dated 31.8.2005.

Ext.P7: Copy of the order dated 1.11.2006 by the respondent.

-True Copy-

P.A.to Judge.

**S. SIRI JAGAN, J.**

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**WP(C) NO. 31100 OF 2006 B**

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**Dated this the 26th day of March, 2007**

**J U D G M E N T**

The petitioner was a former employee of the Kerala Fisheries Corporation Limited. According to the Corporation, the petitioner was initially appointed as worker in the Corporation on 28.7.1996. Later on, she was absorbed in the services of the respondent. From there, she retired on 31.1.2006. The complaint of the petitioner in this writ petition is that she is not being paid gratuity as paid to other similarly placed employees taking into account her service in the Kerala Fisheries Corporation. She also has got a contention that for the purpose of granting higher grade, her service in the Kerala Fisheries Corporation has not been counted. In the above circumstances, the petitioner seeks the following reliefs:-

> "i. to issue a writ of mandamus or any other writ, order or direction directing the respondent to disburse the gratuity payable to the petitioner taking into account of her total service as 40 years and also fixing the scale of pay allowing the time bound higher grade including special compensatory allowance.
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> ii. to issue a writ of mandamus or any other writ, order or direction directing the respondent to re-fix the salary payable to the petitioner on the basis of Ext.P7 order dated 1.11.06 and to grant all benefit of time bound higher grade and to pay the arrears thereto.

> iii. allow such other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of this case in the interest of justice.
>
> iv. allow the costs of this proceedings to the petitioner."

2. The learned Standing Counsel appearing for the respondent-Federation submits that the petitioner was not given these benefits only because the Kerala Fisheries Corporation has not forwarded the documents relating to her service in the Kerala Fisheries Corporation, neither has the petitioner produced any documents relating to the same.

3. After having heard both sides, I am of the opinion that it is for the respondent to ascertain from the Kerala Fisheries Corporation as to the period of service the petitioner has put in, in the Fisheries Corporation. If the Fisheries Corporation do not have any such records, the respondent shall adopt the date now stated on oath in this writ petition by the petitioner. Accordingly, there would be a direction to the respondent to do whatever is necessary in this regard as directed above and disburse the benefits due to the petitioner as prayed for in this writ petition within a

period of two months from the date of receipt of a copy of this judgment. I make it abundantly clear that it is for the respondent to ascertain from the Kerala Fisheries Corporation directly since both are Government Organisations, and should not insist on the petitioner producing any records.

The writ petition is disposed of as above.

**S. SIRI JAGAN,**
**Judge**

Mbs/

**K.THANKAPPAN, J**

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Crl.Appeal NO. OF 2001

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J U D G M E N T

DATED:13-02-2007